



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$30,510.66).

**MEETING DATE:** February 20, 2008 City Council Meeting

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement litigation in the total amount of \$24,845.37, and various other cases being handled by Outside Counsel in the amount of \$5,665.29.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskowitz, Tiedemann & Girard and Miscellaneous Invoices for services incurred relative to the Environmental Abatement Program litigation and various other matters that are currently outstanding and need to be considered for payment.

**Folger Levin & Kahn - Invoices Distribution**

| Matter No.   | Invoice No. | Date     | Description               | Water Acct. Amount |
|--------------|-------------|----------|---------------------------|--------------------|
| 8002         | 106606      | 12/31/07 | City v. M & P Investments | 12,558.10          |
| <b>Total</b> |             |          |                           | <b>\$12,558.10</b> |


**Kronick Moskowitz Tiedemann & Girard - Invoices Distribution**

| Matter No.   | Invoice No. | Date     | Description                | 100351.7323       |
|--------------|-------------|----------|----------------------------|-------------------|
| 11233.026    | 236856      | 01/25/08 | Lodi First v. City of Lodi | 4,139.49          |
| 11233.029    | 236856      | 01/25/08 | AT&T v. City of Lodi       | 397.80            |
| 11233.030    | 236856      | 01/25/08 | Water Supply Issues        | 1,128.00          |
| <b>Total</b> |             |          |                            | <b>\$5,665.29</b> |

**MISCELLANEOUS**

| MISCELLANEOUS |           |                     | Water Account      |
|---------------|-----------|---------------------|--------------------|
| Invoice No.   | Date      | Description         | Amount             |
| 71185         | 11/1/2007 | Bridge City Legal   | 2,391.38           |
| 71332         | 12/1/2007 | Bridge City Legal   | 1,699.40           |
| 105018        | 12/1/2007 | San Francisco Legal | 615.57             |
| 880001        | 12/1/2007 | Harry A. Cannon     | 1,629.09           |
| 831           | 12/1/2007 | Benchmark Video     | 1,059.25           |
| 880801        | 01/01/08  | Harry A. Cannon     | 1,932.08           |
| 839           | 12/01/07  | Benchmark Video     | 1,310.50           |
|               |           |                     | <b>\$10,637.27</b> |

**APPROVED:**

  
Blair King, City Manager

**JAMS Mediation Services****WaterAcct**

|                |  |                 |
|----------------|--|-----------------|
| 0001398647-110 | 1/31/2008 State of Calif.v.M&P Invest. | <u>1,650.00</u> |
|                | Total                                  | \$1,650.00      |

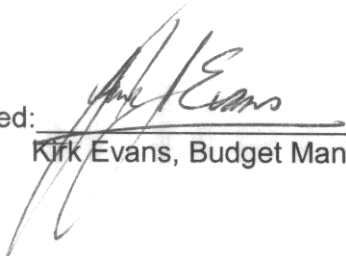
**FISCAL IMPACT:** Expenses in the amount of \$5,665.29 will be paid out of the General Fund and \$4,139.49 billed to Walnart for City's defense of the Lodi First litigation. The remaining expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:**

|              |             |
|--------------|-------------|
| Water Fund   | \$24,845.37 |
| General Fund | \$ 5,665.29 |

  
Stephen Schwabauer, City Attorney

Approved: \_\_\_\_\_

  
Kirk Evans, Budget Manager